



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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Mr. Paul Marshall
Department of Water Resources
South Delta Branch
1416 9th Street
Second Floor
Sacramento, CA 95814

Ms. Sharon McHale
U.S. Department of the Interior
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Subject: SCH# 2002092065 – Draft Environmental Impact Statement/Report for the South Delta Improvements Program

Dear Mr. Marshall and Ms. McHale:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act, California Farmland Conservancy Program, and other agricultural land conservation programs.

The California Department of Water Resources and the U.S. D.I. Bureau of Reclamation have agreed to jointly pursue the development of the South Delta Improvement Project to address regional and local water supply needs as well as the fish and wildlife needs. Project objectives and purposes include a reducing in the movement of Central Valley fall/late fall juvenile Chinook salmon into the south Delta via Old River, maintaining adequate water levels and water quality for agricultural diversions in the south Delta, and increasing water deliveries and delivery reliability for water contractors, fish and wildlife by increasing diversion at Clifton Court Forebay to 8,500 cfs. The following construction and operation activities are proposed:

- A fish control gate at the head of Old River
- Up to three flow control structures to improve existing water level and circulation patterns for south Delta water users
- Flow control gates at Middle River, Grant Line Canal and Old River

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- Dredging of various (minimally Victoria, North and Grant Line) channels and in the Middle River, Grant Line Canal and in Old River to improve conveyance
- Extension of up to 24 agricultural diversion intake facilities

Four alternatives, including the No Action alternative are considered and analyzed.

We offer the following comments:

Land and Water Use is discussed in Chapter 7.1. The land use in the vicinity of Old River Gate, Middle River at North Canal, Grant Line Canal at Delta Mendota Canal, Old River at Delta-Mendota Canal Gate, West Canal, Middle River, and Old River is predominantly agricultural. Impacts associated with land uses were assessed by basing the compatibility of construction and operation the project on adjacent land uses and the compatibility with local land use plans and policies. A Farmland Conversion Impact Rating prepared resulted in less than significant impacts to agricultural resources. The document cites nine CALFED programmatic mitigation measures that will be implemented to alleviate impacts to agricultural resources, as the project progresses.

The final EIS/R and any other documents prepared that support this project, such as the Delta Regional Ecosystem Restoration Implementation Plan should provide a detailed discussion of those agricultural lands that would be acquired and whether termination of Williamson Act contracts would result in order to accommodate the project, or Plan. It should also further discuss whether such Williamson Act contract termination would affect nearby properties also under contract. If any part of the project's affected acreage is under Williamson Act contract, and any part of it is to continue under contract after project completion, the document should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code Sections 51238 - 51238.3; otherwise, contract termination (see paragraph above) must occur prior to the initiation of the project. Although this information may be more appropriately included in another section of the document, it should be briefly discussed in the Land Use/Environmental Setting section of the EIR/S.

Please note that any acquisition of contracted land by a public agency must meet the requirements set forth in Government Code sections 51290 to 51295. Specific findings would need to be reported to the Department of Conservation in the required notice to the Director. The requirements for findings may, under certain circumstances, be waived under Government Code section 15993 (h).

Thank you for the opportunity to review this document. Please contact Jeannie Blakeslee at (916) 323-4943 if you have any questions regarding these comments.

Sincerely,



Dennis O'Bryant
Acting Assistant Director